

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

MOVEMENT MORTGAGE, LLC,

Plaintiff,

v.

DERAN PENNINGTON, CHRIS SHELTON,
MATT SCHOOLFIELD, LINDA PLYMALE,
HEATHER FRYE, JOSH COVETT, and
SUMMIT FUNDING, INC.

Defendant.

Civil Action No.: 3:23-cv-00633-RJC-DCK

**RESPONSE OF DEFENDANTS SUMMIT FUNDING INC. AND DERAN PENNINGTON
TO PLAINTIFF’S MOTION TO COMPEL**

Defendants Summit Funding Inc. (Summit) and Deran Pennington (Pennington) hereby submit this Response to Plaintiff’s Motion to Compel (ECF No. 82).

In Plaintiff’s Memorandum in Support of the Motion to Compel, Plaintiff does not request any relief from Summit or Pennington, nor does it provide any reasons to grant a motion to compel as to Summit or Pennington. Rather, Plaintiff’s Memorandum defines “Defendants” to include Matt Schoolfield, Heather Frye, Josh Covett, and Chris Shelton. (ECF No. 82 at p. 4 of 16). Similarly, Plaintiff attaches discovery responses of Schoolfield, Shelton, and Frye to its Motion to Compel (ECF Nos. 82-1, 82-2, 82-3), but does not attach responses of Summit or Pennington. Plaintiff also attaches correspondence between counsel for Schoolfield, Frye, Covett, and Shelton regarding efforts to resolve a discovery dispute between Plaintiff and those defendants (ECF Nos. 82-4 and 82-5), but there is no similar correspondence attached with counsel for Summit and Pennington.

However, in the Motion to Compel itself, which is one sentence long, Plaintiff defines “Defendants” to include all of the Defendants in this action, including Summit and Pennington. The undersigned counsel believes that the definition in the Motion was inadvertent since the Memorandum is more specific and no relief is requested of Summit or Pennington in the Memorandum, much less reasons provided for such relief. The undersigned counsel requested confirmation of this and did not receive a response. Consequently, Summit and Pennington are filing this response out of caution. In sum, Plaintiff’s motion should be denied as to Summit and Pennington because there is no specific relief requested as to Summit and Pennington and there are no reasons given for granting any motion to compel as to Summit and Pennington. Moreover, the undersigned counsel submits that such relief would be inappropriate absent a meet and confer and attempts to compromise.

Respectfully submitted,

s/ Denny P. Major

Denny P. Major, Fed ID No. 10225

(admitted pro hac vice)

HAYNSWORTH SINKLER BOYD, P.A.

Post Office Box 11889

Columbia, South Carolina 29211

(803) 779.3080 - telephone

dmajor@hsblawfirm.com

Christopher B. Major, Fed. ID No. 31663

HAYNSWORTH SINKLER BOYD, P.A.

ONE North Main, 2nd Floor (29601)

P.O. Box 2048

Greenville, SC 29602

(864) 240-320

(864) 240-3300

cmajor@hsblawfirm.com

*Attorneys for Defendants Summit Funding, Inc. and
Deran Pennington*

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